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December 3, 2010

TO: Each Health Deputy

FROM: John Viernes, Jr., Director
Substance Abuse Prevention and Control

SUBJECT: **APPROVAL TO REALLOCATE UNSPENT AMERICAN RECOVERY AND REINVESTMENT ACT, JUSTICE ASSISTANCE GRANT AND SUBSTANCE ABUSE OFFENDER TREATMENT PROGRAM FUNDS TO CRIMINAL JUSTICE PROGRAM AND TREATMENT PROVIDERS**

This is to advise you that the Department of Public Health's (DPH) Substance Abuse Prevention and Control (SAPC) plans to request Board approval to reallocate unspent American Recovery and Reinvestment Act (ARRA), Justice Assistance Grant and Substance Abuse Offender Treatment Program (JAG/OTP) to current criminal justice program and treatment providers.

On November 7, 2000, California passed the Substance Abuse Crime Prevention Act (SACPA) of 2000 or Proposition 36 (Prop 36). Prop 36 made substantial changes to both the criminal justice system and the substance abuse treatment service system and mandated that any person convicted of a nonviolent drug possession offense, and any parolee who violated a drug-related condition of parole, be diverted from incarceration into a licensed or certified community-based drug treatment program.

In FY 2009-10, the State of California eliminated the funding for Prop 36. To continue services at a reduced level through June 30, 2010, the State partially backfilled the gap with State funding. On September 29, 2009, your Board amended 93 Prop 36 agreements to reflect the reduction in funding through the end of the contract term or to June 30, 2010. On May 18, 2010, your Board approved 88 sole source amendments to the JAG/OTP Agreements, effective October 1, 2009 through March 31, 2011; one sole source JAG/OTP amendment, effective October 1, 2009 through June 30, 2010; and one sole source JAG/OTP agreement, effective July 1, 2010 through March 31, 2011, 100 percent offset by JAG/OTP grant award funds. The use of sole source was due to a short implementation time frame of the JAG/OTP grant. It was determined that it was not advantageous to conduct a lengthy solicitation process.

Board approval of the reallocation of unspent funds among the current criminal justice program and treatment providers able to effectively use such funds will maximize utilization of the JAG/OTP grant funds through March 31, 2011. The funding distribution will be provided during the amendment process.

If you have any questions or need additional information, please contact me.

JV:amh

c: Jonathan E. Fielding, M.D., M.P.H.
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